P7. 77-98

G. R. S. IX-5]

Previous references.

1897-98

192

(L. R.)

File No. 98-77

Serial Nos. 1-9

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-9

In ~~Part~~ B for May 1899

SUBJECT.

The transfer of Patta of certain lands in the village of Sandamadivara, Gubbi Taluk

WD 225—[illegible]—20,000—11-6-20

Index

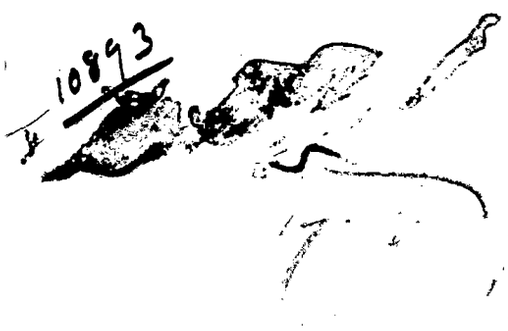
Before the Government of Mysore.

Appeal No. 45 of 1897-98.

Appellant.	Respondent.
Honnamma	Narasimha Sastri

Subject:— Dispute regarding the transfer of patta of S. No. 35 and 117 of Dandinashivara, Gubbi Taluk.

Posted to the 29th
Sht 51st Cr
17/3/99.



Parties called

29/3/99

Lr 98-97-1

(1)

189

No.	739 of 45 / 739
Name of Petitioner	Honnamma of Kunigal
Village	residing at
Taluk	Nelamangala
District	Bangalore
Date of Arzi	10-9-97
Date of Receipt	
Date of Disposal	
No. of Enclosure	one

ABSTRACT.

This is an appeal against the order of the Asst Commr. No 63, of 16-8-97 confirming the order of the Jamabandi Officer (M/s Ramachandra Rao) transferring the patta of the Inam lands S. No 35 & 47 of Dandinashivara, Gubbi Taluk (Tumkur Dist) to the name of one Narasimhasastri - a person who, in the opinion of the Petr, has no right to it.

Gubbi

(1) The petition transmitted
(2) The case stated against
5/16-8-97.
BK
16/9/97

Return on the Memo transmitting

My 12/9/97

Issue on petn

KM
18/9/97

ಅಧಿಕಾರಿಯವರಿಗೆ ಮನವಿ
ಹೊನ್ನಮ್ಮರವರಿಂದ ಪಡೆದುಕೊಳ್ಳಿ
20-9-97

The petitioner presented petition in the case contained Memo of the Asst Commr stated

BK
18-10-97

Mr Srinivasa Rao.
Please note this in his petition & forward the duplicate
18-10-97

Gubbi
BK
18-10-97

1) Petition
2) Stamp duly
3) Appeal against Asst Commr's order confirming the transfer of patta from one Narayanappa to other grandson in preference to petr who is the deceased pattadar's daughter
4) Considered
= Transference made a gift by

State, that the Khata
of the said Nos was once in the
name of the petrs mother, Ranjamma, —
that this Ranjamma had
made a regular gift of the
said Nos to the petrs son, Srikantasastri; —
that, while, after Srikantasastri's
death, the lands remained in the
enjoyment of the petrs, the patta
of the same, however, remained in
the name of Ranjamma only; —
that this Ranjamma also having
died the question of transfer of patta
cropped up, and it was thought
right, during the Jamabandi of '92-'93,
(after enquiry) that the patta
should be transfered to the name of
the petrs; — that during the Jamabandi
of the succeeding year, this above
order was, without any enquiry,
[illegible] and the patta allowed
to go to one Narasimhasastri; —
that the petr thereupon appealed
against this 2nd order to the Dy Commr
who confirmed the same (Vide Instr No 63, 8/16-8-97)
& that she appeals to this Office
against this order of confirmation.

Order appealed against

D/Commr's order No 63.
dy 16-8-97

× × × ×

Read Asstt Commr's report No 122/115, dy 27-7-97 & also the records.

Although you deceased mother Ranjamma made a gift of the lands to your son Srikantasastri, the latter has died. Mr Raghavendra Rao, the then Asstt Commr, only said that it was proper that the patta should pass on to you, but never passed any order of a decisive nature. The Jamabandi Officer of 1893-94 made enquiry as to the existence of Ranjammai Varasdar, and in the absence of any son to Ranjamma, ordered that the patta should pass to the ~~date of~~ her 2nd daughter's ~~which was represented~~ Narasimhasastri.

If that order is not satisfactory to you, you may establish your claim in proper Court.

s/ W. Francis Pan
Dy Comm.

Vimpania made a gift of

Petn No 739

* Narayanma made a gift of S Nos 35 & 117 to the Petrs son Srinivasa & after him to deceased Petrs son Narayan & respdt Nos 2 to 5 have been made parties to the petn as contended by the petrs counsel in the manner of devolution of property when Narayanma died, the existing heirs of the late Petrs sister & her daughter (Srinivasa's sister being dead) The Dy Commr's decision to be affirmed that a daughter in law is to be preferred to a daughter - a view not supported by the text-books (Mayne Para 579) Petrs Counsel's case in point of the Lands that have been referred to a Civil Suit.

Sd/- D Lakshmiah
Dy Commr
30/6/97

Ro 7-80 Rn
6-11-97

called upon with the records of the case & advice asked for information as to who holds the land in question

Sd/-
25/12/97

11/12/97 Obn

Mg 29/12/97

Papers to be filed
29/12/97

The Govt's report has been received.

One Appaji Bhatta was the Khatedar of the following two Cists (Inams)

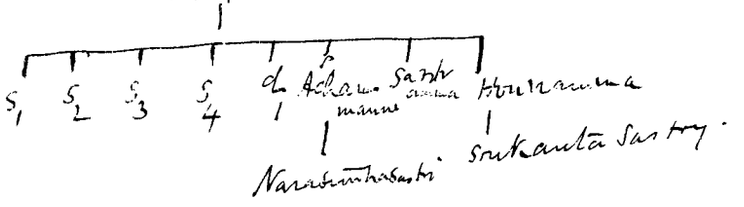
No	a. g.	Rs-a-p
35	3-37	13-11-11
117	3-23	4-1-4
	7-20	17-13-11

On his death, the Khata was transferred to the name of his widow Nanjamma.

Nanjamma died about the year 1892 & the question of transfer of her Khata was disposed of by the Jamabandi Officer of 1893-94 who directed that the Lands should be registered in the name of the deceased's grandson Narasimhasastry (Son of Achammani)

The genealogical tree showing the name of Appaji Bhatta stands thus:

Appaji Bhatta (married Nanjamma)



S_1 S_2 S_3 S_4 represent the deceased sons of Appaji Bhatta, & d, represents deceased daughter. Of the other 3 daughters, Alamma is dead, Sarvamma & Honnamma being the ~~sole~~ sole survivors of Srikanta Sastry, (the son of Honnamma) who for a time enjoyed the lands in question is also dead

The Jamabandi officer - now - Concurred in by the Dy Comm^r - that a grandson by a daughter is a nearer heir than a daughter is clearly wrong (vide para 579 of Mayne's Hindu Law) The Jamabandi Officer should have registered the lands in the name of

the eldest surviving daughter of Appaji Bhatta or jointly in the name of the two daughters

But as the Dy Comm^r reports that the respondent Narasimha Sastry is now in possession of the Land, it does not seem expedient to interfere with the Dy comm^rs order.

The appellant may be referred to a civil

~~under para 2 of~~ as contemplated in para 2 of Rule XXV of the L R Rules

The Dy comm^r may be asked to quote his authority for holding that Narasimha Sastry, the eldest surviving daughter of Appaji Bhatta is the legal heir when there are daughters to the deceased

8/6/95

Docket-5 Board

6/9/95 Rd S. to Rec

9729

6/9/95

In a case like this where succession was disputed and in which both a summary enquiry from a civil XXV requires the publication of a notice to the effect that the inquiry is to be made in the name of the person for whom the petitioner files a declaration is filed & does the notice have to issue from any other court

If the answer is not in the affirmative 3/9/95.

No. 157

Regd.
-9-97

[illegible] proper stamps affixed

[illegible]

ONE RUPEE

DATE [illegible] 9-97

[illegible]

[illegible] 35 [illegible] 11 [illegible]

[illegible] 1892-93

[illegible]

[illegible] 16-8-97 [illegible] 1631 [illegible]

[illegible]

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

No. dated

received at the Dewan's Office from

is forwarded, together with its enclosures, to the Deputy Commissioner of District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

3. The petition with its enclosure should be returned.

By order,

for Chief Secretary.

BANGALORE,

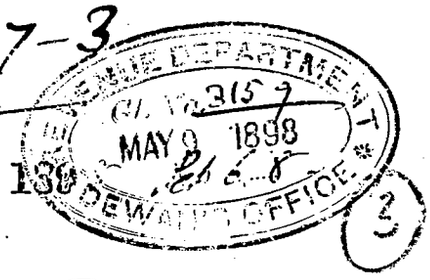
1898.

M.G.C.P.B.—25-4-95—1,000

10-5-98 [illegible] 10/98

[illegible] ? Reference 1898-97-3

[illegible] 31]



Pn: Pn 7877-84
0977-98

Sub' to Rev Committee
Entered 43
with a note to Jetty

8/6/98

Sub 67th Cr

[illegible] 9/98

Mem re
action in
the Simla
Cir

5/9/98

Draft to
[illegible]
9/9/98

From The Deputy Commr
Simla District

To The Secretary to the
Govt of Punjab Irrl
& Pol Depts

Dated 7th
Despatched 7th } January 1898
Received

General No. 1000.
No.

Enclosure No. 1 Vernacular
His original memo
No 50 dated the
4th January 1898.

Re
Reporting on the
petitions of Municipal
Commissioners residing
at Bestiamagata

Petition
9.5.98

1/5
11/5/98
Sub
Mly

No 1000

Rec: 1 Ver: file.

Pamban Division
Deputy Commissioner's Office
Dated 7th May 1898.

To
The Secretary to the
Government of Bengal
General and Revenue Department

Sir,

In reply to your official
memo No. P.J. 808 dated the 4th January
1898, forwarding for record a —
petition from Kunjali Marakkayar,
residing at Kodaramangalam, appealing
against any order confirming the —
transfer of the Kottai of Sram-
bani Island Cost 35 and 47 J —
Ramnadsimara Taluq Gudalur Taluk,
from the name of Kunjamma to
that of her grandson Karadimala
Sriavary, I have the honor to —
submit herewith the entire record
of

of the case and to state as follows:

The marginalia noted Kanu
lands situated in the village
of Kandiamadama, Gurunagal
Hobli in the name of me
Appiaji Bhatta, in whose
death, they were transferred to
the name of his widow
Ranjamma. On the death of
the latter, Lakkamma (Lakkamma alias) Parvathamma
daughter of the deceased, abbied
to the minister of Guntur for
the transfer of the katta in
her name. Thereupon it was
ascertained that the marginal
noted heirs were surviving the
deceased Ranjamma. At the
enquiry which followed, it
came to light that Narasimha-
-amma was a minor was
residing at Seringapatam, that
the

Lakkamma ? Ranjamma
Narasimma
Krishna Bhatta
Appiaji Bhatta
Cheluvamma

Enquiries

Survey No: 35 land
Revenue Inspector
Survey No: 11½ dry
Assessed at Rupees 4 —

a - 2
s - 25

the deceased Augustus had
in 1885 made over to the Swan
Land & Cattle Co. a registered
deed of gift of her freehold
Freehold Property, two of the
holdings Normanhurst and that
this day did die intestate,
without issue. Petitioner
Normanhurst desired that the
Swan Land & Cattle Co. registered
in the name of their Nominee
Stafenright Stacey. Petitioner
notes that Counsel for the
notice of Motion — Communications
Mrs Parliamentary Pro during the
January of the Synod Land
in April, 1893, the recorded the
opinion that Normanhurst, being
the mother of the deceased
Freehold Property, to whom
the

the land granted Ranjanna had given away the land in question, was entitled to be registered as grantee and directed that notices should issue in accordance with Rule 2 of the Land Tenure Act in all the claimants concerned (vide page no 2). It will thus be seen that the Explanation put forward on behalf of the grantee was not finally.

3. During the Jamabandi of 1893-94, the case was brought up before the Jamabandi Officer Mr. Tamaderia who directed that as the deceased Ranjanna had no male issue, the Gram Land in question should be

Registered

registered in the name of
Chandrasinha Thondy, son of
Pallammani, another of the
deceased's daughters (vide his
order against No: 9 in the Thalé
of the valuation of the year 1893-94)
4. In September 1896,
Nonnamma petitioned to me
praying that my Pannachandra
Pouli order might be cancelled
and her name registered as the
Pattadar of the Swamy lands.
As there was no record of
the enquiry made by my
Pannachandra Pouli before he
passed his order above
mentioned, an enquiry was made,
at which it was ascertained
that the deceased Kanjamma
had four sons and four
daughters, of whom all the

former

former had predeceased her
mother, and that of
the latter, only two, viz.,
Sarasvamma and Krishna
Kunjamma, were surviving, and
that Varadamma Shanbhag, in
whose name the lands in
question were registered in 90-91,
was the son of Akkamma,
the second daughter of Kunjamma.
It was thus clear that the
two surviving daughters being
issueless, Narasimha Shanbhag, the
son of another daughter (deceased),
was declared to be the legal
heir. Under such circumstances,
I declined to interfere with
the Commissioner's Proceedings. I
dismiss the appeal, but
without reference to the

5. second

second para of the memo under reply. I beg to refer you to the last line of the Amildar's report No: 1319 dated the 26th January 1895 and to papers 31 and 34 in the file, from which it will be seen that the Inam lands in question have been in the enjoyment of the present Bhaidar Narasimha Shastry since the Kannadapura Rent order of 1893-94 was passed.

6. The petitioner under reference is therefore returned.

I have the honor to be,

Sir,

Your most obedient servant

M Narain Rao

Deputy Commissioner

1898

From

The Secretary to Govt
Genl and Rev Depts

To

The Deputy Commissioner
Tumkur Dt.

LR 98-97-4

Dated 13th
Despatched 16th Sept 98
Received

General No. 2194 P
F. No. 24)

Enclosure No.

The Dy Comrs letter No 1000 dated 9th May 1898, reporting on the petn of Kunigal Hanumanna residing at Nelamangala, regarding the honours of Rate of 5 Nos and 11 of Daandina-sirana in the Gubbi Taluk.

In returning the papers received with the above for reference and report, I am directed to observe that in accordance with Govt

Govt-ಗೆ ಸಲ್ಲಿಸಿದೆ
14-9-98

succession was disputed
and has by Govt. held a
Summary enquiry, para
2 of Rule XXV of his Land
Rev. Rules requires the
publication of a notice
to the effect that the registry
will be made in the name
of the person found to be
entitled unless a declaration
is filed. The Dy Comr
is requested to report
if such notice was
published and whether
any declaration was filed
and also to quote his
(Dy Comr's) authority for
preferring Narasimha Sastry
under the Hindu Law of Succession

By order

3.9.28.

for Secretary

10-9-28.

Gen. 31.]

DEPARTMENT
4400
JAN 31 1899
RECEIVING OFFICE

1898

(5)

From

The Deputy Commissioner
Dumka District

To

The Secretary to the Government of Bengal,
Land Revenue Department.

Dated 15th January 1899

Despatched 19th do

Received

General No. 43
No.

Enclosure No. 1 Ver: file

His address No. 24 of 13th December 1898
Ct. 247

Subject: Submitting further information in connection with the appeal of Kunigal Homamma regarding the registry of Survey Nos 36-117 of Dandinasivara Village in the Gubbi Taluk.

Subd to 1st Councils
Mg
24.1.99.

105/47

As this is a Bench Court for 1/4 in the Bench Court
LR 15-1-99

Putting
26/1/99

Peta
24.1.99
Rep-putup
24-1-99

23/1/99

Rec 431
Delivered

Office of the Deputy Commissioner,
Tumkur District.

Dated, Camp Yediyur, 15th January 1899.

From

The Deputy Commissioner,
Tumkur District.

To

The Secretary to the Government
of Mysore, General and Revenue
Departments.

Sir,

In reply to your docket
no: 2194/247 dated the 15th September last,
calling for further information
in connection with the appeal of
Kunigal Honnamma regarding
the registry of Survey numbers
35 and 117 of Dandinasivara Village
in the Gubbi Taluk in the name
of Narasimha Shastry, I have the
honor to

to state that there exists no record of the summary enquiry held by Mr K. Ramachendra Row in 1893-94 as to the surviving heirs of the deceased Pattadar Nanjamma and that no notice appears to have been published and no declaration filed under para 2 Rule XXIV of the Land Revenue Rules. Mr Ramachendra Rao apparently preferred Narasimha Shastry as the son of the second daughter of Nanjamma to the children and widowed third and fourth daughters. I declined to interfere with Mr Ramachendra Row's order as I considered it inadvisable to disturb Narasimha

Shastry's

Shastry's possession in a summary way and left petitioner Honnamma free to establish her prior claim to the registry in a competent Civil Court.

3. The Vernacular proceedings connected with the case are herewith returned.

I have the honour to be,
Sir
your most obedient Servant

M. Narain Rao
Deputy Commissioner
Tumkur District

LR 98-97-6

Proceedings of the Govt of Mysore

Appellt
Honnamma

Respdt
Narasimhasastri

Draft for Appl.
Sd. D & V Councilla
by 10/4/99.
11053
10/4/99

Read:—

Petition of Appeal No 739/No. 45 of 1897-98, presented by Honnamma, residing at Nelamangala, against the order of the Dy Commr, Tumkur District, confirming the transfer of Patta of S. Nos 35 and 117 of Dandinasivara village, Gubbi Taluk, made by the Jamabandi officer from the name of one Nanjamma to that of her daughter's son Narasimha Sastri.

1 & Sent with Proceedings.

(2) Letter No. 1000 & 7th May 1898 from the Dy Commr, Tumkur Dt. (Here enter paras 2, 3 & 4 of the letter)

(3) Letter No. 431 & 15/1/99 from the Dy Commr Tumkur Dt.

(4) The records of the case

Order

Order thereon :- Re 1377-84 of 97-98 dt 17.4.99.

The Dy Comm's order cannot be supported. Till the ~~living~~ daughters of the deceased Khaledar, now in existence are all exhausted one of the ~~latter's~~ daughter's son cannot step in. The Defaulter's order appealed against must be reversed and Patta granted in the name of the Appellant.

Cter Re-Draft
Bbn
16/4.

For Secretary

Ag he/wants
Yes
APL
16/4/99

To
The Dy Comm's, Tumkur Dt,
with records.

+ Press copy sent up 20/4 Sent 24/4/99

18-4-99

(1)

[illegible] 739/99 [illegible]

[illegible]
18-4-99

[illegible]

LR 98-97-7

[illegible]

[illegible]

[illegible]

[illegible] 10/9/1997 [illegible]

[illegible]

[illegible]

[illegible]

LR 98-97-8

6722 (8)
Pet 416
1898-99

From (Govt Deputy Commissioner Trivandrum Division)

To (Govt Secretary to the Government of Madras Revenue Depart.)

Dated 27th September 1898.

Despatched 28th

Received

General No. 655.
No.

Enclosure No.

Govt Proceedings No 7377-98
Pet No 77-98

Re Petition for Division of Ernad Taluk

Forwarding the Ernad Taluk Estates representation praying to be granted certain concessions as to registration of Patta for the Estates in question may be made out in the joint names of Kanikkaran and Karanavan

Petn VL
1.5.99
Read 2/5

27 7798 contains the rept as put up

AK
2/5/99
Submitted

Mill
9.5.99

The G.O. referred to was issued on the principle laid down in para 519 of Mayne's Hindu Law and Usage. Under the circumstances reported by the Dt Collector, the two surviving daughters can only take jointly (para 515 of the same Text). The question of "registry", on which orders are solicited, should, it seems, be decided in accordance with the provisions of Sec XXV para 1 of the R. P. Rules, & the G.O. which decided the case, the patta was ordered to be granted ~~in the name of the younger daughter~~ in the name of the younger daughter who was the ~~appellant~~ appellant before Govt.

Subt to 2nd Counsellor
RR
4.5.99

Rec 6/5/99

Sir, I have the honour to give any direction more than what the order itself contains especially as to the manner in which the order is to be given effect to. This Dept cannot affect parties and hypothecate when the order in whose favour was passed

No. 655   Deputy Commissioner's Office, Ludhiana District

Dated [illegible] September 1899.

To: The Secretary to the Government, Punjab, General & Rev. Departments.

Sir,

In acknowledging the receipt of Government order No. 7377-84 Rev. No. 7798 dated 19th instant passing orders on the appeal of Mussammat Nihala [illegible] in regard to the registry of lands Nos. 38 and 39 of [illegible] village, Jagraon Tahsil, I beg to report that the petitioner Mussammat is not the only surviving daughter of the deceased [illegible]. Another of her daughters, [illegible] alias [illegible] by name, is now alive and it was upon her application dated 4th September 1899 that the question of transfer of title was discussed. She is reported to be older than Mussammat. I beg to forward

2/

/

o

Inclosed herewith are the Returns of the Parties for the Counties in question may be made out in the joint names of Commissioners and Assessors.

I have the honor to be
Sir
Your most obedient Servant

Wm Mann Ross
Deputy Commissioner

(9)

Proceedings of the Court of Collegore.

Lr 98-97-9

Read again:-

Court Proc: no 7377 O.H. 7776/98 dated 14th April 1899, reversing, on the appeal of Honnamma of Velamangala, the order of the Dy Coll. Tumkur Dt. in re transfer of patta of S nos 35 and 71 of Dandinasivara village in the Gubbi Taluk, from the Name of Nanjamma to that of her daughter's son Narasimhashetti; and directing the issue of patta of the lands in the name of the appellant, on the ground that till the daughters of the deceased Khatedar were in existence are all exhausted, one of the daughters ~~son~~ a son of cannot step in as heir.

Read:-

~~Re~~. Letter no 655 dated 27th April 1899, from the Dy Coll. Tumkur Dt. reporting with reference

to

to the above, leads the deceased Khaleda Nam-jamma has left another daughter Sakamma alias Sankramma, now living, and soliciting instructions as to whether the portion of the lands in question, may be made out in the joint names of Honnamma and Sankramma.

Order—Mem. dt. 8352 P.H. 77-98 dt. 15.5.99.

The Court observes that it is not possible to give any directions in addition to what the Court order itself contains, especially as the extension of the order as has been sought by the Dy Comr's appellants not before Court when the order in question was passed.

2. It is, however, observed that the rights of the other daughter, Sankramma is not affected by the transfer of the portion in the name of Honnamma who was the only appellant before Court.

18/5/99

Dy Secretary

To the Dy Comr, Dumbum D.K.

C.C. 2

10/5/99 13/5/99